

Case: 6:69-cv-07941-BB

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

FILED JR1
10 JUN 23 AM 9:50

STATE OF NEW MEXICO, on the relation of
The State Engineer,

Plaintiff,

v.

ROMAN ARAGON, et al.,

Defendants.

No. 69-cv-07941-BB

Rio Chama Stream
System

Section I (mainstream)

MEMORANDUM:

**INFORMATION FOR THIS HONORABLE COURT'S DEEPER UNDERSTANDING OF
PARCIENTE *PRO SE* PARTY ELOY GARCIA (SUBFILE NO. 285, DOC. NO. 3974.15; DOC.
9700, Filed 4/28/2010 AT 3).**

This matter respectfully concerns providing further background information on *pro se* parciente and defendant Eloy Garcia (Doc. Nos. 9657, 9584, 9590, 9717) for the Honorable Court's record and consideration.

Background:

1. Eloy Garcia filed a timely objection to the 1994-96 "Orders to Show Cause," Subfile No. 285, Doc. No. 3974.15 (Doc. 9700, Filed 4/28/2010 at 3).
2. Eloy Garcia filed a timely objection to the Special Mater's Report (Doc. 9546, Filed 12/16/2009) and the Amended-Objections to the Assignment of a 1600 Priority Date to Concerned Water Rights of the Parcientes of the Acequia De Chamita, Doc. 9657, Filed 3/31/2010.
3. Eloy Garcia as a *pro se* party also filed timely "Objections to the Assignment fo a 1600 Priority Date to Concerned Water Rights of the Parcientes of the Acequia De Chamita Only (Doc. 9546, Filed 12/16/2009, Doc. 9717, Filed 5/14/2010 as required by the Court (Doc. 9700, 4/28/2010 at 4).

Case: 6:69-cv-07941-BB

2

4. Eloy Garcia is at this time, Mayordomo of the Acequia De Chamita, and has strong interests in having this Honorable Court consider the cumulative evidence provided for a change in the Special Master's Report assignment of a 1600 Priority Date to the adoption of the proper assignment of an August 11, 1598 priority date for the Acequia De Chamita only (Doc. 9657, Filed 3/31/2010; Doc. 9717, Filed 5/14/2010).

Comes now Eloy Garcia as Mayordomo, *pro se* and Heritage Successor-In- Interest to show that as he now "divides the waters" for parcientes to irrigate lands off of the Acequia De Chamita; so must Primos Pobladores forebearers dug for use that Acequia at San Gabriel in 1598 (Doc. 9717, 5/14/10, postscript and conclusion at 59).

Eloy Garcia (Subfile 285, Doc. 3974.15); Doc. 9590, 9657, 9717)
Heritage Successor-In-Interest

Genealogical Evidence¹ and
 San Gabriel Settlement and Familial History

Eloy Garcia – Born ca 1931 in Chamita, New Mexico

Maria Antonia Salazar – Born ca 1906 in Chamita, NM married to José Servando Garcia Dec 7, 1924 in Chamita, San Juan Parish, NM

José Agustín Salazar – Born Sep 20, 1872 in San Pedro de Chamita, NM married to Maria Guadalupe Montoya Nov 29, 1900 in San Pedro de Chamita, NM

Maria Andrea Cordova – Born Nov 29, 1837 in San Pedro de Chamita, NM married to Juan Pedro Ygnacio Salazar ca 1856 in Chamita, NM

José Antonio Enriquez Cordova – Born ca 1812 in San José de Chama, NM married to Maria Petrona Espinosa ca 1835 in Chamita, NM

Maria Juana Josefa Mestas – Born Jun 24, 1787 in San José de Chama, NM married to Juan de Jesús Cordova ca 1803 in Chama, NM

Juan Asencio Mestas – Born May 20, 1757 in Santa Cruz Parish, NM married to Maria Rosa Lucero in San José de Chama, Santa Clara Parish, NM

Juana Josefa Archuleta – Born ca 1725 in New Mexico married to Cristóbal Mestas Jun 3, 1745 in Santa Cruz Parish, NM

Asencio Archuleta – Born ca 1700 in New Mexico married to Gertrudis Lugarda Quintana ca 1721 in New Mexico

Maria Josefa Martín Serrano de Salazar – Born ca 1678 in New Mexico married to Alferez Juan Andres Archuleta ca 1699 in New Mexico

Pedro Martín Serrano de Salazar – Born ca 1635 in New Mexico married to Juana Apolonia Arguello ca 1657 in New Mexico

Luis Martín Serrano – Born ca 1592 in Zacatecas, New Spain married to Catalina de Salazar ca 1629 in New Mexico

****Sargento Hernan Martin Serrano** – Born ca 1558 in Zacatecas, New Spain married to Juana Rodriguez ca 1577 in Zacatecas, New Spain

****Sargento Hernan Martin Serrano** is one of the first settlers that came with Onate in 1598, (Hammond and Rye, Onate Colonizer of New Mexico 1595-1628. The University of New Mexico Press, 1953. Salazar Inspection, pgs. 237-238 & 291).

Hernan Martin Serrano and several other men participated in an interview at San Gabriel on Oct 1601 regarding conditions at San Gabriel. A report of its findings was to be delivered to the Viceroy. On question 14. "...if he knows that in the 3 years we have been here [1601 - 3 years= 1598] we have planted wheat and vegetables and that both the planting and harvest have increased". Serrano replies, "...that ever since we came here, planting and harvesting are on the increase, and he believes that it will always be so in the future"(Hammond and Rye, Onate, pgs. 704, 725 and 726).

Hernan Martin Serrano came to San Gabriel to acquire property to settle and to farm/ranch. In the 1598 Salazar Inspection (the inspection before the Entrada into New Mexico), Serrano declared items that would achieve his settlement goals; 15 horses, 2 mules, 20 mares, 6 colts, 22 tame cows, 2 carts, 26 oxen, horseshoes and nails, 7 augers of different sizes, 12 cutting axes, 3 adzes, 2 chisels, grindstone, and a hoe. (Hammond and Rye, Onate, pg. 237-238).

¹ Genealogical Research conducted by: Thomas D. Martinez, TDM Research, tom.martinez@mindspring.com, 916-801-9319

Eloy Garcia (Subfile 285, Doc. 3974.15); Doc. 9590, 9657, 9717)
Heritage Successor-In-Interest

**Genealogical Evidence¹ and
 San Gabriel Settlement and Familial History**

Eloy Garcia – Born ca 1931 in Chamita, New Mexico

Maria Antonia Salazar – Born ca 1906 in Chamita, NM married to José Servando Garcia Dec 7, 1924 in Chamita, San Juan Parish, NM.

José Agustín Salazar – Born Sep 20, 1872 in San Pedro de Chamita, NM married to Maria Guadalupe Montoya Nov 29, 1900 in San Pedro de Chamita, NM

Maria Andrea Cordova – Born Nov 29, 1837 in San Pedro de Camita, NM married to Juan Pedro Ygnacio Salazar ca 1856 in Chamita, NM

José Antonio Enríques Cordova – Born ca 1812 in San José de Chama, NM married to Maria Petrona Espinosa ca 1835 in Chamita, NM

Maria Juana Josefa Mestas – Born Jun 24, 1787 in San José de Chama, NM married to Juan de Jesús Cordova ca 1803 in Chama, NM

Juan Asencio Mestas – Born May 20, 1757 in Santa Cruz Parish, NM married to Maria Rosa Lucero in San José de Chama, Santa Clara Parish, NM

Juana Josefa Archuleta – Born ca 1725 in New Mexico married to Cristóbal Mestas Jun 3, 1745 in Santa Cruz Parish, NM

Asencio Archuleta – Born ca 1700 in New Mexico married to Gertrudis Lugarda Quintana ca 1721 in New Mexico

Alferez Juan Andres Archuleta – Born ca 1675 in New Mexico married to Maria Josefa Martín Serrano de Salazar ca 1699 in New Mexico

Juan Antonio Archuleta – Born ca 1646 in New Mexico married to Ysabel Gonzalez ca 1665 in New Mexico

Juan II de Archuleta – Born ca 1625 in New Mexico married to Maria Lujan ca 1642 in New Mexico

Juan I de Archuleta – Born ca 1601 in San Gabriel de Yunque, NM married to Maria (unknown) ca 1620 in New Mexico

***Asencio de Archuleta** – Born ca 1572 in Eibar, Guipuzcoa, Spain married to Ana Perez del Bustillo ca 1600 in San Gabriel Yunque, NM

***Asencio de Archuleta** is one of the first settlers that came with Oñate in 1598, (Hammond and Rey, Oñate Colonizer of New Mexico 1595-1628, The University of New Mexico Press, 1953, Salazar Inspections, pgs. 269 & 293); Ana Perez del Bustillo (wife of Asencio de Archuleta) came on the original Oñate expedition in 1598 with her parents Juan Perez del Bustillo & Maria de la Cruz along with her brothers and sisters (Fray Angelico Chavez, Origins of New Mexico Families, 1975 edition, pg. 6 and 87, Juan Perez del Bustillo is also mentioned in Hammond and Rey, Oñate, pgs. 259 and 291).

The battles of Acoma in late 1598 and early 1599, Asencio de Archuleta's in-laws where assigned to guard San Gabriel (Villagra, pg. 241, v-220 & 225; Hammond and Rey, Oñate, pg. 461) with 67 (approx.) others. "The town did not consist of nor possess more than one plaza, well squared off, with only four entries..." (Gaspar Perez de Villagra, Historia de la Nueva Mexico, 1610 pg. 241, V-230). The Governor ordered and assigned 40 of his men to guard the four entries and his house. He named each man his assigned plaza corner post. Asencio's father-in-law was assigned to guard one of the corner posts with six others (ibid. pg. 240, v-240). Three Bustillo females out of 27 females led by Dona Euphemia (wife of Captain Francisco de Sosa Penalosa) guarded the rooftops and high terraces with "discharging flying balls into the air" (ibid, pg. 242, v-265 to 310).²

¹ Genealogical Research conducted by: Thomas D. Martinez, TDM Research, tom.martinez@tundraring.com, 916-801-9319

² Villagra reference for Asencio de Archuleta's in-laws, the Bustillos: Pat Rundstrom, Researcher.

Case: 6:69-cv-07941-BB

5

Respectfully submitted by defendant Eloy J. Garcia,

Eloy J. Garcia

(Signature of Defendant)

Eloy J. Garcia, Mayordomo

Eloy J. Garcia

(Printed name of Defendant)

P.O. Box 1084

(Street address or P.O. Box)

San Juan, P.R. 07566

(City, State and Zip Code)

Eloy J Garcia
D.O. Borlora
San Juan Pueblo
NM - 875566



RECEIVED
AT SANTA FE

JUN 2 2010

Office of the Clerk
United States District Court
106 South Federal Place
Santa Fe, New Mexico 87501

MATTHEW J. DYKMAN
CLERK

87501+1302

